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Typed Name: Kevin D. McCarthy

Date: March 23, 2009

Patent 0-06-225/16799/US/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Haj-Yehia, Abdullah I.
Serial no.: 10/532,390
Filed: October 24, 2003
Title: STEROID COMPOUNDS COMPRISING SUPEROXIDE DISMUTASE
MIMIC GROUPS AND NITRIC OXIDE DONOR GROUPS, AND
THEIR USE IN THE PREPARATION OF MEDICAMENTS
Examiner: Sara Clark
Art Unit: 4121
Confirmation: 8417

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

RESTRICTION RESPONSE

This response is in reply to the office action mailed on January 7, 2009. Attached with this response is a petition for an extension of time of two months and appropriate fees.

Restrictions

In order to comply with the Examiner's request for restriction, it is confirmed that claims 31-48, belonging to Examiner's Group II, are now elected, with traverse. The applicant would be ready to restrict the compounds of formula (4) in claim 31, without prejudice, to multifunctional steroid compound whose R⁷ is a substituted N-oxide free radical.

According to the Applicant's understanding, the Examiner requests to define a specific compound and a specific medical condition, in order to ease the search burden.

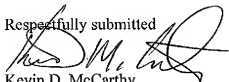
Although traversing the requirement, the following specific compound is provided: 11,17,21-trinitrato-16-DOXYL-dexamethasone, compound of which synthesis is shown in Example 11 on page 93. The compound falls into the ambit of general formula (4) of claim 31, when R² is NO donor -ONO₂, R³ is -CH₃, R⁴ is halogen -F, R⁵ is NO donor -ONO₂, R⁶ is =O, R^{6A} is not present, and R⁷ is substituted N-oxide free radical being 5-membered ring, substituted as follows: 1-nitromethyl, 2-nitroxide, 3-dimethyl, 5-oxo. The structure is also clearly seen in formula IVc on page 52.

The following specific disease or condition to be treated, of all recited in claim 48, is provided as requested by the Examiner: "acute and chronic inflammatory conditions".

Novelty and request for rejoining method claims

The Examiner cites Garvey et al. (US RE37,116 E) as providing a substituted steroid with an NO-donor, so depriving some of originally claimed structures of novelty. However, Garvey's structures do not comprise nitroxide radicals, and therefore elected compound of claim 31 with nitroxide free radical in R⁷ would be novel and unobvious, and the elected compound would link Group II and III defined by the Examiner, which group would so form a single inventive concept.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'K. McCarthy', written over the typed name.

Kevin D. McCarthy
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